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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Ahluwalia, Younger
Appln. Serial No. : 09/955,395 Patent No.: 6,858,550
Filed : September 18, 2001 Issue Date: February 22, 2005
Entitled : Fire Resistant Fabric Material
Group Art Unit : 1771
Examiner : Ula C. Ruddock

Commissioner for Patents
ATTN: Certificate of Corrections Branch
Washington, D.C. 20231

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July 17, 2006

Neil P. Sirota

**REQUEST FOR A CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. § 1.322**

Certificate
JUL 21 2006
of Correction

Sir:

Upon reviewing the United States Letters Patent for U.S. Patent No. 6,858,550 issued on February 22, 2005 several errors in the claims were noted. Specifically, the word "**dranable**" in Column 11, line 37, should read "**drapable**". Additionally, the word "**inicrospheres**" in column 12, line 42, should read "**microspheres**".

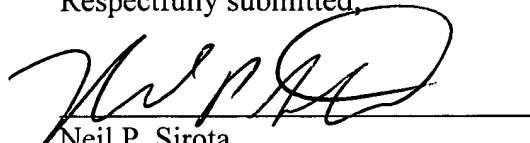
NY02:554012.1

JUL 24 2006

Attached herewith, please find a copy of the Claims and a proposed Certificate of Correction in duplicate. It is respectfully requested that the Certificate of Correction be issued for attachment to the original patent under the provisions of 37 C.F.R. § 1.322.

As the error was on the part of the United States Patent Office, applicant does not believe that any additional fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit any overpayments made, to Deposit Account No. 02-4377.

Respectfully submitted,



Neil P. Sirota
Patent Office Reg. No. 38,306
(212) 408-2500

Enclosures

JUL 24 2006



AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of claims

1. (Currently amended) A fire resistant fabric material comprising a substrate having an ionic charge coated with a coating having essentially the same ionic charge,
wherein said coating consists essentially of a filler material comprising clay and a binder material, and
wherein said binder material bonds the filler material together and to the substrate, and
wherein said coating does not bleed through said substrate, and
wherein said fire resistant fabric material is drapable and has a porosity of between 5 and 50 cfm.
2. (Original) The fire resistant fabric material according to claim 1 wherein said substrate is fiberglass, said filler further comprises at least one other filler selected from the group consisting of decabromodiphenyloxy, antimony trioxide, fly ash, charged calcium carbonate, mica, glass microspheres and ceramic microspheres and said binder is acrylic latex.
3. (Original) The fire resistant fabric material according to claim 2 wherein said substrate is planar and is coated on one side with said coating.
4. (Original) The fire resistant fabric material according to claim 2 wherein said substrate is planar and is coated on both sides with said coating.
5. (Original) The fire resistant fabric material according to claims 1, 3 or 4, wherein said material further includes on one or both sides a water repellent material.
6. (Original) The fire resistant fabric material according to claims 1, 3 or 4 wherein said material further includes on one or both sides an antifungal material.

7. (Original) The fire resistant fabric material according to claims 1, 3 or 4 wherein said material further includes on one or both sides an antibacterial material.

8. (Original) A fire resistant fabric material according to claims 1, 3 or 4 wherein said material further includes on one or both sides a surface friction agent.

9. (Original) A fire resistant fabric material according to claims 1, 3 or 4 wherein said material further includes on one or both sides a flame retardant material.

10. (Original) A fire resistant fabric material according to claims 1, 3 or 4 wherein said material further includes on one or both sides an algacide.

11. (Original) A fire resistant fabric material according to claims 1, 3 or 4 wherein said material is colored with dye.

12. (Currently Amended) A fire resistant fabric material comprising a substrate coated with a coating consisting essentially of a filler material comprising clay and a binder material wherein

(a) said substrate comprises glass fibers and wherein said material is from 65% to 90% by weight of the glass fibers; and

(b) said coating is from 20% to 80% wet weight of filler and from 80% to 20% wet weight of acrylic latex binder material, and

(c) said fire resistant fabric material is drapable and has a porosity of between 5 and 50 cfm.

13. (Original) The fire resistant fabric material according to claim 12 wherein said filler further comprises at least one filler selected from the group consisting of decabromodiphenyloxide, antimony trioxide, mica, fly ash, charged calcium carbonate, glass microspheres and ceramic microspheres.

14. (Withdrawn) A fire resistant mattress fabric comprising a decorative fabric and a fire resistant fabric material which comprises a substrate having an ionic charge coated with a coating having essentially the same ionic charge wherein said coating consists essentially of a filler material comprising clay and a binder material and wherein said binder material bonds the filler material together and to the substrate and wherein said coating does not bleed through said substrate.

15. (Withdrawn) A fire resistant mattress fabric comprising a decorative fabric and a fire resistant fabric material which comprises a substrate coated with a coating consisting essentially of a filler material comprising clay and a binder material wherein

a) said substrate comprises glass fibers and wherein said material is from 65% to 90% by weight of the glass fibers; and

b) said coating is from 20% to 80% wet weight of filler and from 80% to 20% wet weight of acrylic latex binder material.

16. (Withdrawn) A mattress comprising a fire resistant fabric material which comprises a substrate having an ionic charge coated with a coating having essentially the same ionic charge wherein said coating consists essentially of a filler material comprising clay and a binder material and wherein said binder material bonds the filler material together and to the substrate and wherein said coating does not bleed through said substrate.

17. (Withdrawn) A mattress comprising a fire resistant fabric material which comprises a substrate coated with a coating consisting essentially of a filler material comprising clay and a binder material wherein

a) said substrate comprises glass fibers and wherein said material is from 65% to 90% by weight of the glass fibers; and

b) said coating is from 20% to 80% wet weight of filler and from 80% to 20% wet weight of acrylic latex binder material.

18. (Withdrawn) A mattress comprising a fire resistant fabric material having a decorative fabric and a fire resistant fabric material which comprises a substrate having an ionic charge coated with a coating having essentially the same ionic charge wherein said coating consists essentially of a filler material comprising clay and a binder material and wherein said binder material bonds the filler material together and to the substrate and wherein said coating does not bleed through said substrate.

19. (Withdrawn) A mattress comprising a fire resistant fabric material having a decorative fabric and a fire resistant fabric material which comprises a substrate coated with a coating consisting essentially of a filler material comprising clay and a binder material wherein

- a) said substrate comprises glass fibers and wherein said material is from 65% to 90% by weight of the glass fibers; and
- b) said coating is from 20% to 80% wet weight of filler and from 80% to 20% wet weight of acrylic latex binder material.

REMARKS

Reconsideration and withdrawal of the rejections of the claims set forth in the Final Official Action of January 21, 2004 are respectfully requested in view of the following remarks.

Claims 1 and 12 have been amended. Support for the amendments can be found throughout the specification and claims as originally filed and there is no new matter added as a consequence of the amendments.

Status of the Claims

Claims 1-19 are pending.

Claims 14-19 have been withdrawn.

Claims 1-13 are under consideration.

Claims 1-13 are rejected under 35 U.S.C. § 103.

Rejection under 35 U.S.C. § 103(a)

The Examiner maintains that claims 1-13 are unpatentable over Ahluwalia (US Patent No. 5,965,257) in view of GB 2167060 (GB '060) or Dombeck (US Patent No. 6,228,497) or Dugan et al. (US Patent No. 4,994,317) under 35 U.S.C. § 103(a). As indicated in the Final Office Action, the Examiner maintains that it would have been obvious to one of skill in the art to use the clay filler of GB '060, Dombeck or Dugan et al. in the structural article of Ahluwalia, when motivated by the desire to increase the flame and heat resistance of the article. The Examiner further maintains that the amounts of glass fibers, clay filler, and binder material in the composition are result effective variables, which may be optimized if motivated by the desire to obtain an article with increased strength and flame resistance.

In the Amendment After Final mailed April 21, 2004, the Applicants proposed an amendment to claims 1 and 12 to insert the phrase “wherein the fire resistant fabric material is drapable.” In the Advisory Action mailed May 13, 2004, the Examiner indicated that the proposed amendment was not entered, because it required a new search. Furthermore, the Examiner indicated that the structural article of Ahluwalia is flexible enough to be folded into rolls and should allegedly have some degree of drapability.

Applicants respectfully disagree. Applicants assert that there are clear differences in the physical properties of the structural article taught by Ahluwalia and the fire resistant fabric material of the present invention. Ahluwalia discloses a structural article that is “rigid in nature,” (Ahluwalia, col. 6, lines 32-33), which would not motivate one of skill in the art to modify the structural article to incorporate drapability characteristics. The verb, drape, is defined as “to cover or adorn with or as if with folds of cloth,” or “to cause to hang or stretch out loosely or carelessly,” or “to arrange in flowing lines or folds” (Merriam-Webster Online Dictionary at www.m-w.com, 2004). The fire resistant fabric material of the present invention is flexible, pliable and exhibits excellent drapability characteristics, providing a fabric material useful for mattress fabrics, draperies, fire-resistant clothing, etc. In contrast, Ahluwalia’s structural article is “rigid in nature” and only “flexible enough to be rolled up.” (Ahluwalia, col. 6, lines 32-33). Ahluwalia’s structural article cannot hang loosely or form folds. Ahluwalia fails to provide any motivation to the skilled artisan to modify the structural article to incorporate drapability characteristics. Ahluwalia also fails to motivate one of skill in the art to combine Ahluwalia with a drapable fabric patent, *e.g.*, Dugan, the only cited secondary reference that is a drapable fabric. Therefore, Applicants respectfully submit that the cited art does not render the subject matter recited in amended claims 1 and 12 obvious.

Moreover, in the interest of furthering prosecution and without conceding the correctness of the Examiner's rejections or advisory comments, Applicants have amended claims 1 and 12 to recite a fire resistant fabric material that is drapable and, further, has a porosity of between 5 and 50 cfm. Support for the amendments can be found at, e.g., page 19, paras. 42, 43 and page 13, para. 28.

With regard to porosity, Ahluwalia's structural articles exhibit a lower porosity of, e.g., 3.5 cfm (col. 7, line 56), and preferably less than 1.0 cfm (col. 6, lines 35 and 40). Air porosity (cfm) is a measure of the volume of air, in cubic feet, that will pass through a fabric in one minute, *i.e.* cubic foot per minute. As one of skill in the art would readily appreciate, more air can pass through a fixed area of a drapable fabric item than a fixed area of the coated structural article as taught by Ahluwalia. Therefore, Applicants submit that the amendments to claims 1 and 12 render the presently claimed fire resistant fabric material patentable over Ahluwalia in view of GB '060, Dombeck or Dugan et al.

In addition, Applicants submit that claims 2-11 and 13, which depend from allowable claims 1 and 12, respectively, and are also allowable.

For the foregoing reasons, Applicants submit that claims 1-13 are patentable under 35 U.S.C. § 103(a), and request the withdrawal of the rejection.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests withdrawal of the rejections and allowance of the pending claims.

Applicant requests a three month extension of time and encloses herewith the requisite fee as set forth in 37 C.F.R. § 1.17(a)(3). Applicant does not believe that any additional fee is required in connection with the submission of this document. However, should any fee be

required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,858,550
DATED : February 22, 2005
INVENTOR(S) : Ahluwalia

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

IN THE CLAIMS:

Claim 1, col. 11, line 37:

--"dranable," should read "drapable"--

Claim 13, col. 12, line 42:

--"inicrospheres" should read "microspheres"--

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PATENT NO. 6,858,550

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